

Message Text

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PAGE 01 WARSAW 06235 211501Z
ACTION EUR-12

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C O N F I D E N T I A L WARSAW 6235

ATTENTION: EUR/EE AND L

EO 11652NGDS
TAGS: CSCE, CGEN, CVIS, SHUM, PL, US, PDIP
SUBJ: DIVIDED FAMILIES - POSSIBLE DECENTRALIZED INITIATIVE WITH
POLISH PROVINCIAL AUTHORITIES

1. WE REMAIN INTERESTED IN FINDING WAYS TO PRESS THE POLES
INTO RESOLVING MORE OF OUR REMAINING DIVIDED FAMILIES CASES.
WE RECALL BEING TOLD THAT THE MFA WENT THROUGH A LABORIOUS PROCESS OF
DISCUSSING THE INDIVIDUAL CASES ON THE LISTS, TOTALLING
116 NUCLEAR CASES, WHICH WERE PRESENTED TO THEM PRIOR TO THE
PRESIDENT'S VISIT. THEY DISCUSSED THESE CASES WITH THE
VARIOUS WOJEWODSTWO (PROVINCE) POLICE ENTITIES AT THAT TIME. WE
ALSO KNOW THAT PASSPORTS ARE ISSUED (ALTHOUGH NOT NECESSARILY
DECIDED OR APPROVED) AT THE WOJEWODSTWO MILITIA OFFICES.

2. WE THEREFORE WONDER IF WE SHOULD BEGIN DISCUSSING DIVIDED
FAMILIES CASES AT THE WOJEWODSTWO LEVEL, SINCE THIS IS
WHERE PASSPORT ISSUANCES OSTENSIBLY OCCUR. WE BELIEVE
THAT PART IV - CONSULAR FUNCTIONS - ARTICLE 23, PARA.
1 OF THE U.S. - POLISH CONSULAR CONVENTION MIGHT
PROVIDE THE BASIS FOR AN APPROACH CONSISTING OF THE FOLLOWING
STEPS:

A) THE DCM INFORMS DIRECTOR SZEWCZYK OF THE MFA'S DEPARTMENT
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PAGE 02 WARSAW 06235 211501Z

III (NORTH & SOUTH AMERICA),
WITHOUT ASKING FOR HIS AGREEMENT, THAT WE ARE INSTRUCTING OUR
CONSULS TO RAISE PERIODICALLY WITH THE VARIOUS WOJEWODAS
(GOVERNORS) CERTAIN DIVIDED FAMILIES CASES WHICH THE PROVINCIAL
MILITIA AUTHORITIES HAVE NOT YET RESOLVED SATISFACTORILY, I.E.
BY ISSUING PASSPORTS.

B) UNLESS DIRECTOR SZEWCZYK OBJECTS STRENUOUSLY, WE WOULD THEN ASK THE TWO CONSULATES TO ALERT US TO THEIR PLANNED TRIPS TO THE VARIOUS WOJEWODSTWOS IN THEIR DISTRICTS. WE WOULD DIRECT

THEM TO RAISE VP SMALL NUMBER OF SELECTED UNRESOLVED DIVIDED FAMILIES CASES WITH THE APPROPRIATE WOJEWODAS.

C) EMBASSY OFFICERS WOULD RAISE SUCH CASES IN THE WOJEWODSTWOS OF THE WARSAW DISTRICT.

3. COMMENT: THIS APPROACH HAS STRONG AND WEAK POINTS. THE FORMER INCLUDE AN INCREASE IN THE NUMBER OF PLACES AND LEVELS WHERE THE CASES WOULD BE RAISED AND THE POSSIBLE BENEFITS OF EXPANDING RELATIONS BETWEEN U.S. AND POLISH OFFICIALS AT THE PROVINCIAL LEVEL.

4. THE WEAK POINTS ARE THAT RAISING SUCH CASES AT THE PROVINCIAL LEVEL IS PERHAPS A VERY LOOSE DEFINITION OF THE CONSULAR OFFICER'S ENTITLEMENT "TO PROTEST THE RIGHTS AND INTERESTS OF THE SENDING STATE AND ITS NATIONALS, BOTH INDIVIDUALS AND BODIES CORPORATE" IN ACCORDANCE WITH THE LAWS AND REGULATIONS OF THE RECEIVING STATE. FURTHER, THIS STEP MIGHT LEAD THE POLES TO CLAIM THAT ALL PASSPORTS ARE ULTIMATELY ISSUED BY THE CENTRAL AUTHORITIES AND, THUS, ARE NOT APPROPRIATE
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PAGE 03 WARSAW 06235 211501Z

FOR INTERVENTION AT THE PROVINCIAL LEVEL. FINALLY, IT IS ALWAYS POSSIBLE THAT THE WOJEWODA WOULD ACCEPT THE CONSUL'S REPRESENTATION BUT NEVER RESPOND TO IT. WE MIGHT HAVE BUILT IN AN ADDITIONAL BUREAUCRATIC LAYER UNDER WHICH THE POLES COULD TAKE SHELTER IN SUCH CASES.
END COMMENT.

5. WE WOULD BE INTERESTED IN THE DEPARTMENT'S VIEWS ON THE FOLLOWING:

A) DOES ARTICLE 23(1) PROVIDE AN ADEQUATE LEGAL BASIS FOR SUCH DECENTRALIZED REPRESENTATIONS?

B) AFTER BALANCING ALL THE PRO'S AND CON'S, WOULD IT BE ADVANTAGEOUS TO INITIATE SUCH DECENTRALIZED REPRESENTATIONS, FROM THE STANDPOINTS OF BOTH THE DIVIDED FAMILIES ISSUE AND THE EXPANSION OF OUR CONTACTS WITH THE POLES?

C) ARE THERE PRECEDENTS FROM WHICH WE CAN BENEFIT EITHER IN EASTERN EUROPE OR ELSEWHERE.
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